

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 26, 2007

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

7:00 PM Final Hearing By The Commissioners For The Basiger #336 Ditch Project (Room G-35 of the Rutherford B. Hayes Building 140 North Sandusky Street)

PUBLIC COMMENT

RESOLUTION NO. 07-217

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 22, 2007 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held February 22, 2007 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-218

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0223 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0223:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0223, memo transfers in batch numbers MTAPR0223 and Purchase Orders and Vouchers as listed below:

Purchase Orders			
<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Morabeto Mind Legacy	Purchased Services	22511607-5348	\$ 6,070.00
Greif Brothers Inc.	Return of Unused Insp. Fees	65111904-5319	\$ 10,230.00
Atrium Personnel	Personnel Consulting Svcs.	22411601-5348	\$ 10,000.00
Allied Waste Services Inc.	Repairs/Transfer Station	68011916-5410	\$ 24,617.00
Vouchers			
AEP	Monthly Service	10011105-533833802	\$ 14,778.54
Siemens	Bioxide	65211919-5290	\$ 14,215.25
Synagro	Conveyance & Land Applications	65211919-5301	\$ 54,470.46
M.H. Corbin	Repair of Eng. Message Board	60111901-5370	\$ 8,864.85
Toddler Inn	Child Care	22411610-5348	\$ 9,967.88
House of New Hope	Residential Treatment	22511607-5342	\$ 6,523.64
Advance Adoption	Residential Treatment	22511607-5342	\$ 6,630.00
Whitney Ink	Billing Materials	65211919-5201	\$ 3,075.00
		65211905-5201	\$ 3,075.00
Henry Thompson	Scada Upgrade Leatherlips	65200905-5450	\$ 10,508.00
Memo Transfers			
From	To		
DCJFS	DATA		
22411601-5355	72291901-4232	Transportation	\$ 4,380.50
22511607-5355	72291901-4232	Transportation	\$ 1,040.00

Vote on Motion: Mr. Evans Aye Mr. Ward Aye Mr. Jordan Aye

RESOLUTION NO. 07-219

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

Child Support Enforcement Agency is requesting an amendment to the travel request for Susan Brown to attend the OCDA Executive Board Retreat that was held at Cherry Valley Lodge in Newark on February 12 &

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13. Due to the snow storm the Board worked late and stayed the night in order to complete the agenda early Tuesday, February 13. The amount of increase is \$108.90.

The EMS Department is requesting that Lt. Jeff Sparks attend a WMD of Incident Command at the Anniston CDP April 29 to May 3, 2007, at no cost.

The EMS Department is requesting that Lt. Tim Davis attend a WMD for EMS at the Anniston CDP April 15-19, 2007, at no cost.

The EMS Department is requesting that Lt. Brad Fischer attend a WMD-ICS at the Anniston CDP April 3-9, 2007, at no cost.

The EMS Department is requesting that Lt. Mike Schuiling attend an Incident Command for WMD-All Hazards at the Anniston CDP May 29 to June 2, 2007, at no cost.

The EMS Department is requesting that Lt. Jeff Moore attend a WMD for EMS at the Anniston CDP April 15-19, 2007, at no cost.

The EMS Department is requesting that Lt. Mike Schuiling attend a Pandemic Influenza Planning & Preparedness at the Anniston CDP April 30 to May 4, 2007, at no cost.

The Environmental Services Department is requesting that Len Wagner attend a Training Class on Trenching & Excavation at the Ohio Center for Occupational Safety March 6-8, 2007, at the cost of \$20.00.

The Engineer’s Office is requesting that Jerry Ungashick attend a Strategies for Managing & Preserving Pavements Course at the Sawmill Creek Resort in Huron, Ohio March 8-9, 2007, at the cost of \$505.00.

CSEA is requesting that Susan Brown and Joyce Rhodes all the Director’s meeting in Columbus, on March 12, 2007 at no cost.

Vote on Motion: Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 07-220

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITION FOR PRIMROSE SCHOOL:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

Ditch Maintenance Petition-Primrose School

We the undersigned owners of 2.855 acres transferred to Primrose School in Plat Cabinet 2 Slides 281 – 281A as Lot 4266 of Riverbend, Section 2 in Orange Township, Delaware County, Ohio propose to construct drainage improvements on the aforementioned lot. The required drainage easements for these improvements are attached. In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for the 2.855 acre lot to cover the cost of current and future maintenance of the improvements.

We (Primrose School) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (Primrose School) have provided the appropriate easements for the drainage maintenance.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action.

The cost of the drainage improvements is \$41,900.00 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the 2.855 acre commercial lot. An annual maintenance fee equal to 2% of the total will be collected for this commercial lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment in the amount of \$838.00 has been paid to Delaware County (\$838.00 by Primrose School).

Easements to provide for the maintenance of the improvements have been provided.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

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RESOLUTION NO. 07-221

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following work permits:

Permit #	Applicant	Location	Type of Work
U07014	American Electric Power	Sage Creek Section 4, Phase B	Bore conduits
U07017	Consolidated Electric	Wilson Road	Set new pole
U07018	AT&T	Highland Lakes Drive	Place buried cable
U07019	Verizon	Lackey Old State	Place bore
U07020	The Knowledge Group	Pacer Drive	Place cable

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-222

IN THE MATTER OF AMENDING THE COMMUNITY BASED CORRECTIONS PROGRAMS 407
SUBSIDY GRANT AGREEMENT:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

This Addendum is between the State of Ohio, Department of Rehabilitation and Correction, and **Delaware County**. It modifies the Community-Based Corrections Program 407 subsidy grant agreement in the amount of **\$91,606** executed by the parties on the date of June 9, 2006.

The grant award shall be **increased** by **\$35,000** from **\$91,606** to **\$126,606** effective on the date approved by the Director of the Ohio Department of Rehabilitation and Correction. Total expenditures for Fiscal Year 2007 (July 1, 2006 to June 30, 2007) will not in any case exceed **\$126,606**.

Vote on Motion: Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 07-223

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS AT MEADOWS AT
HARVEST WIND PHASE 2 AND KELLER PINES:

It was moved by Mr. Ward, seconded by Mr. Jordan to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Meadows at Harvest Wind Phase 2	1,055 feet of 8 inch sewer	7 manholes
Keller Pines	3,465 feet of 8 inch sewer	6 manholes

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-224

IN THE MATTER OF DECLARING AN EMERGENCY FOR THE STRUCTURAL INTEGRITY OF
THE DELAWARE COUNTY SOLID WASTE TRANSFER STATION, ACCEPTING
CONSTRUCTION COST ESTIMATES FOR THE EMERGENCY STRUCTURAL REPAIRS, AND
AUTHORIZING LUDWIG ZAHN CONSTRUCTION TO PROCEED WITH THE PROPOSED
STRUCTURAL REPAIRS AT THE DELAWARE COUNTY SOLID WASTE TRANSFER STATION.

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

WHEREAS, the Solid Waste Transfer Station has had several structural members fail and or that have been damaged that jeopardize the building’s integrity and safety; and

WHEREAS, Delaware County Code Compliance Department and William H. Shepherd, P.E., has advised that some of the structural components need to be replaced in order to restore the structural integrity and overall safety of the building; and

WHEREAS, the solid waste transfer station is depended on by citizens of the County for everyday use in disposing of solid waste; and

WHEREAS, failure of the building would create an unnecessary burden on the citizens of the County; and

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WHEREAS, the County deems it necessary to take emergency action for the protection of the public facility and health of its citizens; and

WHEREAS, the costs of the emergency repairs are estimated to be less than fifty thousand dollars (\$50,000.00) but more than twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the Division of Environmental Services has secured construction cost estimates in accordance with section 307.86(A) of the Revised Code and has deemed that Ludwig Zahn Construction has the lowest and best bid for the emergency repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby determines that a real and present emergency exists: the Delaware County solid waste transfer station requires emergency repairs in order to restore the structural integrity of the facility, protect the health and safety of county employees and contractors, and ensure the uninterrupted disposition of solid waste for residents of Delaware County.

Section 2. The emergency repairs are hereby exempt from the competitive bidding process, pursuant to section 307.86(A)(1) of the Revised Code, because the emergency repairs are estimated to cost less than fifty thousand dollars (\$50,000.00).

Section 3. Having solicited informal estimates from three or more potential contractors, in accordance with section 307.86(A) of the Revised Code, the Board elects to contract with Ludwig Zahn Construction for the repairs to the solid waste transfer station upper east and west walls as detailed on the plans prepared by W.H. Shepherd, P.E., dated February 12, 2007, for the lump sum price of twenty-seven thousand six-hundred and five dollars (\$27,605.00), which estimate was the lowest and best.

Section 4. The County shall maintain a record of the estimates, including the names of the potential contractors from whom the estimates were solicited, for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-225

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS AS LISTED BELOW:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

BASIC RATES

Full-time Week for Licensed Center and Type A Providers: 25 to 60 hours

Hourly: Paid after 60 hours

Part-time Week for Center and Type A Providers: 8 hours to 24.9 hours

Hourly Paid for .1 hour to 7.9 hours

Full-time Week for Certified Type B Home Providers: 25 hours to 50 hours

Hourly: Paid after 50 hours

Part-time Week for Home Providers: 8 hours to 24.9 hours

Hourly Paid for .1 hour to 7.9 hours

Child Care Provider	Infants	Toddlers	Preschool	School
Darlene Hill	\$ 114.00 Full	\$ 112.00 Full	\$ 98.00 Full	\$ 90.00 Full
2916 Smeltzer Road	\$ 76.00 Part	\$ 75.00 Part	\$ 65.50 Part	\$ 60.00 Part
Marion, Ohio 43302	\$ 2.75 Hourly	\$ 2.75 Hourly	\$ 2.50 Hourly	\$ 2.50 Hourly

Vote on Motion: Mr. Evans Aye Mr. Ward Aye Mr. Jordan Aye

RESOLUTION NO. 07-226

IN THE MATTER OF APPROVING AN AMENDMENT BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND SHIP, INC. :

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It was moved by Mr. Ward, seconded by Mr. Jordan to authorize the following:

AMENDMENT TO CONTRACT
For
Child Placement and Related Services

AMENDMENT NO. 1

This Amendment, effective February 6th, 2007, is to amend the Contract for Child Placement and Related Services between the Delaware County Department of Job and Family Services, a department of the Delaware County Commissioners, and Ship, Inc., entered into on the 14th day of December, 2006.

Article III
CONTRACT TERM: Changes contract end date from February 28, 2007 to June 30, 2007.

Article IV
REIMBURSEMENT: Change amount to be reimbursed from \$10,000 to \$20,000.

Vote on Motion: Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION 07-227

IN THE MATTER OF APPROVING THE SUBMISSION OF A PUBLIC EDUCATION GRANT FOR DELAWARE COUNTY EMERGENCY SERVICES:

It was moved by Mr. Ward, seconded by Mr. Jordan to adopt the following Resolution:

WHEREAS, Delaware County provides public relations and education information on the vital community services provided by the Emergency Medical Service, 9-1-1 and the Office of Homeland Security and Emergency Management, and;

WHEREAS, the WAL-MART Foundation, as part of their Safe Neighborhood Heroes Program, has offered a grant of as much as \$2,000.00 to Delaware County Emergency Services to provide public education of Emergency Services to the residents of the County;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve submitting for this grant award by Delaware County Emergency Services for a total amount of up to \$1,500.00 for the purpose of purchasing a projector to assist in delivery of the public relations and education programs for EMS, 9-1-1 and OHSEM.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO 07-228

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR 911:

It was moved by Mr. Ward, seconded by Mr. Jordan as follows:

Transfer Of Appropriation		
From	To	Amount
21411306-5450 9-1-1/Machinery and Equipment	21411306-5250 9-1-1/Minor Tools and Equipment	\$4,268.40
21411306-5450 9-1-1/Machinery and Equipment	21411306-5333 9-1-1/Installation Charges	\$1,250.00
21411306-5450 9-1-1/Machinery and Equipment	21411306-5260 9-1-1/Inventoried Tools and Equipment	\$94,090.00

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Vote on Motion: Mr. Evans Aye Mr. Ward Aye Mr. Jordan Aye

RESOLUTION NO. 07-229

IN THE MATTER OF SETTING BID OPENING DATE AND TIME FOR OFFICE
SUPPLIES/PRINTER CARTRIDGES:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

Notice to bidders is posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Current Bids.

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at 10:00 AM on Monday, March 26, 2007, at which time they will be publicly opened and read and the contract awarded as soon as possible, for Office Supplies and Printer Cartridges for Delaware County.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$500 made payable to the Delaware County, Ohio. Bid specifications may be obtained at the Delaware County Commissioners Office, 101 N. Sandusky St. or the Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Office Supplies/Printer Cartridges." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-230

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

Traci Saliba has accepted the position of Public Information Officer , effective March 5, 2007.

Dottie Brown will be compensated by a 5% increase for the additional duties she has taken on during the search for a new Economic Development Director. This will be retroactive to January 1, 2007.

Vote on Motion: Mr. Evans Aye Mr. Ward Aye Mr. Jordan Aye

RESOLUTION NO. 07-231

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR
COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:23 AM.

Vote on Motion: Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 07-232

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 10:30 AM.

Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-233

7:00 PM FINAL HEARING FOR THE BASIGER #336 DITCH PROJECT:

It was moved by Mr. Ward, seconded by Kris Jordan to open the Hearing at 7:04 PM.

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Vote on Motion: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-234

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE BASIGER #336 DITCH PROJECT:

It was moved by Mr. Ward, seconded by Mr. Jordan to close the Hearing at 9:35 PM.

Vote on Motion: Mr. Evans Aye Mr. Ward Aye Mr. Jordan Aye

RESOLUTION NO. 07-235

AMENDMENT TO MOTION MADE BY MR. WARD AND SECONDED BY MR. JORDAN AFFIRMING ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS FOR THE BASIGER #336 DITCH PROJECT INCLUDING ALL LATERALS:

Commissioners discussed the request for damages that Mr. Mark Cameron filed with the commissioners at the hearing. They determined there was no substance to the dollar amount that he put on possible damages to his property. Therefore, the estimate of cost submitted by the engineer and Soil and Water will not be altered to include the damages that Mr. Cameron requested.

Mr. Jordan amended the motion to clarify that the damages requested by Mr. Cameron will not be part of the ditch project. Mr. Ward Seconded.

Vote on Amendment: Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 07-236

IN THE MATTER OF COMMISSIONERS’ FINDING AFFIRMING ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS FOR THE BASIGER #336 DITCH PROJECT INCLUDING ALL LATERALS:

It was moved by Mr. Ward , seconded by Mr. Jordan to approve the following :

In The Matter Of The Basiger #336 Ditch Petition Filed By Walter Neighbor and others on January 13, 2003.

WHEREAS, this being the day fixed by said Board in the order dated the 26th day of February 2007, for the final hearing on the Reports, Plans, and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement.

WHEREAS, The Board finds that due and legal notice of this final hearing has been given as required by law; and

WHEREAS, The Board has heard all the evidence offered in the proceedings and received and considered all the schedules, plans, and reports filed by the County Engineer:

WHEREAS, this Board has considered the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc.;

THEREFORE BE IT RESOLVED, that the Board hereby approves the maps, profiles, plans, schedules and reports for prepared by the Delaware County Engineer, and

FURTHER BE IT RESOLVED, That once the water shed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement, and

FURTHER BE IT RESOLVED, That county borrow funds to pay for the improvement, and that eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement, and that interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money, if after the deadline for the landowners to pay their assessments upfront passes and the total remaining construction cost to be borrowed is less than \$10,000.00 then the County will up front the remaining cost of the Construction and

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Commissioners will no longer borrow the money, and

FURTHER BE IT RESOLVED, The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and

FURTHER BE IT RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the County Engineer is hereby directed to send copies of the notice by mail to dealers and manufacturers and all bids shall be received at the office of he Delaware County Engineer, 50 Channing Street, Delaware, Ohio.

Vote on Motion: Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

There being no further business, the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners